

reasons and/or examples to support any conclusion of patentable distinctness between the restricted inventions. MPEP §803. Applicants respectfully traverse the Restriction Requirement on the ground that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the claims of any of Groups I-III.

The Examiner has characterized the relationship between the inventions of Groups I and II as one of process of making and product made. Inventions so related are distinct if: (1) the process, as claimed, can be used to make a materially different product; or (2) the product, as claimed, can be made by a materially different process. MPEP §806.05(f). The Examiner has attempted to demonstrate patentable distinctness with the bare assertion that "the product as claimed can be made by another and materially different process." Applicants submit that such a bare assertion does not constitute the type of example required to support a conclusion of patentable distinctness.

The Examiner has also characterized the relationship between the inventions of Groups I and III as one of process of making and product made. As note above, inventions so related are distinct if: (1) the process, as claimed, can be used to make a materially different product; or (2) the product, as claimed, can be made by a materially different process. MPEP §806.05(f). Once again, the Examiner has attempted to demonstrate patentable distinctness with the bare assertion that "the product as claimed can be made by another and materially different process." Accordingly, once again, Applicants submit that such a bare assertion does not constitute the type of example required to support a conclusion of patentable distinctness.

It is further noted that no attempt has been made to support the conclusion of patentable distinctness between the claims of Groups II and III.

For all of these reasons, the restriction requirement is improper and should be withdrawn.

Applicants submit that the present application is now ready for examination on the merits, and early notification of such action is earnestly solicited.

Respectfully submitted,

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